GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services - Revenue Department - Sri E.Murali, formerly Special Collector, Polavaram Irrigation Project, Rajamahendravaram (now under suspension)-Allegations of irregularities in recommending for sanction and also payment of ex-gratia , to the fake D-Patta holders of the lands to an extent of Ac. 29.94 cts covered by RS No.106 to 111 of Gubbalam palem, Chinnaramanayaapeta villages without conducting proper verification and enquiry, which lead to misappropriation of Government funds - Disciplinary proceedings under rule - 20 of Andhra Pradesh Civil Services (Classification Control and Appeal) Rules, 1991 - Articles of charge - Issued .

REVENUE (VIGILANCE-I) DEPARTMENT

G.O.Rt.No.532 **Dated:31.05.2023**
Read:

G.O.Ms.No.228, Revenue(Vigilance.I) Dept., dt:31.05.2023

-0o0-

ORDER:

In pursuance to the G.O read above, it is proposed to hold an enquiry against Sri E.Murali, formerly Special Collector, Polavaram Irrigation Project, Rajamahendravaram (now under suspension) in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure- I). A statement of imputations of misconduct / misbehaviour in support of each article of charge is enclosed (Annexure-II).A list of documents by which, and a list of witnesses by whom, the articles of charge proposed to be sustained are also enclosed (Annexures-III)

3. Sri E.Murali, formerly Special Collector, Polavaram Irrigation Project, Rajamahendravaram (now under suspension) is directed to submit, within 10 days from the date of receipt of this order, a written statement of her defence.

4. Sri E.Murali, formerly Special Collector, Polavaram Irrigation Project, Rajamahendravaram (now under suspension) is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. She should, therefore, specifically admit or deny each article of charge.

5. Sri E.Murali, formerly Special Collector, Polavaram Irrigation Project, Rajamahendravaram (now under suspension) is further informed that if she does not submit her written statement of defence on or before the date specified in para 3 above, further action will be processed based on the material available.

6. Attention of Sri E.Murali, formerly Special Collector, Polavaram Irrigation Project, Rajamahendravaram (now under suspension) is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further her interest in respect of matters pertaining to her service under the Government. If any representation is received on her behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that Sri E.Murali, formerly Special Collector, Polavaram Irrigation Project, Rajamahendravaram (now under suspension) is aware of such a representation and that it has been made at his instance and action will be taken against her for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of the Order be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

G.SAI PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri E.Murali, formerly Special Collector, Polavaram Irrigation Project, Rajamahendravaram(now under suspension) (Through the Chief Commissioner of Land Administration, A.P., Mangalagiri for service and to return the served copy with dated acknowledgement immediately (By RPAD))
The Chief Commissioner of Land Administration, A.P., Mangalagiri

Copy to:
The District Collector, Alluri Sitharamaraju district
SF/SC

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE-I

STATEMENT OF ARTICLES OF CHARGE FRAMED AGAINST SRI E.MURALI, FORMERLY SPECIAI COLLECTOR, POLAVARAM IRRIGATION PROJECT, RAJAMAHENDRAVARAM (NOW UNDER SUSPENSION).

Article - l:

Sri E.Murali, formerly Special Collector, Polavaram Irrigation Project, Rajamahendravaram before according financial concurrence should have observed whether, the proposal submitted by the SDC, LMC-I, Polavaram Irrigation Project, Rajamahendravaram is in accordance with the provisions of the Land Acquisition Rules and Assignment Rules. But, the Special Collector (Land Acquisition) has simply accorded financial concurrence which led to misappropriation of funds from the Government exchequer. Had the Special Collector (Land Acquisition) has examined the proposal submitted by the SDC carefully, he would have not accorded financial concurrence and the Government would not have sustained such huge loss. Hence the charge.

Article - 2:

Sri E.Murali, the Special Collector (LA), Polavaram Irrigation Project, Rajamahendravaram without conducting proper verification of the above proposals from all aspects, has issued proceedings in a vague manner, stating that the proposals of the Special Deputy Collector (L.A), LMC Unit-1, Rajamahendravaram has been examined and he is permitted to pay ex-gratia to the rightful owners having valid title for the assigned land measuring Ac.29.94Cts in S.No.l06 etc., as per marker value approved @ Rs.2,50,000/- per acre multiple with 1.50(multiplication factor) + 100% solatium only and see that no irregularities shall be allowed to take place as per the guidelines issued in G.O.Ms.No.243 Revenue (l.A) Department, dr.27.3.2010 and G.O.Ms.No.259 Revenue (l,A) Deparrment, dt.21.6.2016. Basing on the orders of Special Collector (LA), Polavaram Irrigation Project, Rajamahendravaram, the Special Deputy Collector (L.A), LMC Unit- 1, Rajamahendravaram in proceedings R ef.Cl27l202l, dt.!8.08.2021 has issued orders sanctioning ex-gratia of Rs.2,24,55,000/- to Smt. Chedala Ratna Kumari, W/o Balu Reddy and 6 others and presented the bills for Rs.2,24,55,000/- at A.P.A.O., Dowlaiswaram vide transaction Id. 2021-1274781.

Thus, Sri E.Murali, the then Special Collector (L.A), Polavaram Irrigation Project, Rajamahendravaram by his above mentioned acts, has failed to discharge his legitimate duties, showed gross negligence in protecting the interests of the Government and carelessness in official duties, which is unbecoming of a Government Servant . Thus the individual has violated Rule 3-B of A.P. Civil Services (Conduct) Rules, 1964.

G.SAI PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE-II

STATEMENT OF IMPUTATIONS OF MISCONDUCT OR MISBEHAVIOUR IN SUPPORT OF ARTICLES OF CHARGE FRAMED AGAINST SRI E.MURALI, FORMERLY SPECIAI COLLECTOR, POLAVARAM IRRIGATION PROJECT, RAJAMAHENDRAVARAM (NOW UNDER SUSPENSION).

Sri Mulla Marrireddy and others of Gubbalampalem Village, H/o of Devipatnam Mandal have filed a complaint petition before the District Collector Wherein stating that Komali Kishore Satyanarayana; Mundru Madhusudhanarao, Sirasam Peddabbulu, Matta Rambabu, have got land compensation irregularly under Polavaram Irrigation Project land Acquisition for an extent of Ac.29.94Cts., covered by R.Sy.No.l06 to 111 of Gubbalampalem, H/o Chinaramanayyapeta village without any valid proofs. They have further complained that the Tahsildar, Devipatnam and Village Revenue Officers are colluded in this illegal activities and also these officers are threatening that the petitioner's caste certificates will be cancelled if this matter comes into light and finally, the complainants have requested to do justice in the matter. Then the District Collector, Alluri Sitharama Raju District has issued marginal instructions to the Project Administrator, Polavaram Irrigation Project to conduct personal inquiry and take necessary action in the matter.

In this regard, the Project Administrator & Ex-officio Joint Collector, Polavaram Irrigation Project, Rajamahendravaram has conducted inquiry with reference to the complaint made by the petitioners and as per the available material evidences and also examined the petitioners, delinquent officers and submitted his detailed report on 14.05.2022 and further report on 20.05.2022.

The Special Deputy Collector, L.A., LMC-1, Polavaram Irrigation Project, Ralamahendravaram, has addressed a letter to the Tahsildar Devipatnam along with proforma vide Ref.C/27/202l, dt.10.05.2021, that certain lands have been shown to be assignment lands through the Assignment pattas produced by the claimants and these lands have to be required for resumption for Polavaram Irrigation Project and requested to confirm the genuineness of the Assignment Pattas and also send the details of claimants for payment of ex-gratia under Polavaram Irrigation Project as follows.

Sl.No	R.S.No.	Extent Ac.cts.,	Name of the person who requires toget compensation.
1	106	5.78	Chedala Ratna Kumara, W/o Balureddy
2	110	3.20	Srikakulapu Lachanna, S/o Mallayya
3	110/A	4.00	Badham Kannappa Dora, S/o Venkanna Dora
4	110/B	4.00	Turram Satyanarayana Dora, S/o Bulli Dora
5	110/C	4.00	Kursam Chinnabbai Dora, S/o Venkanna Dora
6	110/D	6.00	Kunjama Naganna Dora, S/o Venkanna Dora
7	111/5	2.96	Mulla Sanjeeva Reddy, S/o Chinnapu Reddy
	Total:	29.94	

The Tahsildar, Devipatnam, Sri M.Veeraju in his Ref.B/229/2021, dated 06.07.2021 has submitted a report to the Special Deputy Collector (L.A.,) Polavaram Irrigation Project, LMC unit-1, Rajamahendravaram stating that the D-patta (Assignment) lands covered by S.No's.106,1l0/A, 110/B, 110/C, 110/D, 111/2, 111/5 of Chinaramanayya peta, Devipatnama Mandal were got verified by the VRO, China Ramanayya peta and MRI, Devipatnam with reference to records and submitted the details in the prescribed l2 columns proforma in separate sheets for each survey number for taking further action.

After receipt of the report from the Tahsildar, Devipatnam, the Special Deputy Collector, LMC., Unit-1, Rajamahendravaram has passed resumption orders vide proceedings Ref.C/27/202l, dt.17.7.2021 duly directing the Tahsildar Devipatnam, for resuming the lands from the above assignees for an extent of Ac.29.94cts under survey numbers 106 etc., with extents against each assignee. Further, the SDC (LA), LMC-I, PIP has submitted Ex-gratia proposals to a tune of Rs.2,24,55,000/- (Rupees Two crores twenty four lakhs and fifty five thousands) to the Special Collector, LA., PIP., Rajamahendravaram for sanction of ex-gratia payment to the above lands.

Then, the Special Collector, LA., PIP., Rajamahendravaram has issued proceedings vide Ref.Bl/155/2021, dt.26.7.2021by sanctioning the ex gratia for the above extents Ac.29.94 cts., in Sy.No.l06 etc., as per the market value approved @ Rs.2.50/- lakhs per acre, multiple with 1.50 (multiplication factor in agency areas) + 100 % solatium only in which the total ex-gratia payment is reached to a tune of Rs.2,24,55,000/- (Rupees Two crores twenty four lakhs and fifty five thousands) in Toto.

(P.T.O)

After examination of the contents of the petition, deposition of the petitioners, deposition of the Tahsildar and on perusal of the records produced by the Tahsildar, Devipatnam, SDC., LMC Unit-I, Rajahmundry and Provisions laid down under BSO 15 assignment rules, LARR, ACT-2013, the following observations and findings made by the Inquiry officer.

Finding - 1

As could be seen from the Web land Adangal, the land under dispute in Sy.No's.106, 110, 111/5, the following details are found.

R.S.No.106:

Sy.No.	Total extent	Extent not fit for cultivation	Land nature	Land details	Khata No.	Pattadar name S/o / W/o	Enjoyer name S/o / W/o
2	3	4	6	8	11	12	13
106	5.7800	5.7800	Govt. land	AWD Gayalu	20000608	AWD Gayalu	AWD Gayalu

R.S.No.110:

Sy.No.	Total extent	Extent not fit for cultivation	Land nature	Land details	Khata No.	Pattadar name S/o / W/o	Enjoyer name S/o / W/o
2	3	4	6	8	11	12	13
110	21.2800	21.2800	Govt. land	AWD Gayalu	20000608	AWD Gayalu	AWD Gayalu

The above extent is joint with 4 members and no sub division was done and not aware of entry in online web land.

R.S.No.111/5:

Sy.No.	Total extent	Extent not fit for cultivation	Land nature	Land details	Khata No.	Pattadar name S/o / W/o	Enjoyer name S/o / W/o
2	3	4	6	8	11	12	13
111-5	2.9600	0.0000	Govt. land	Punja	20000608	Reservoir	Reservoir

It is pertinently evident that the names of the 7 assignees (fake) who have been paid land compensation through resumption orders are not assignees and their names were not reflected in web land records.

Findings - 2:

While the time of passing resumption orders of the assigned lands, the SDC (LA) PIP, LMC unit - 1 has to conduct the following checks.

Sl.No.	Cheeks and verifications mandatory before passing	Whether, the officer concerned has followed the procedure or not.
1)	Verification of Assignment register	As could be seen from the records neither SDC., nor his staff have done verification of the assignment register as whether the beneficiaries / assignees said to have been reported by the Tahsildar., were covered in the assignment register and whether they are approved assignees or not. It is bounded duty of the SDC and his staff before passing the resumption orders but they failed to do so.
2)	It is bounded duty of the SDC., and his staff to verify the A-Register as whether the changes have been carried out in A-Register / Fair Adangal / 8A Register and Sub Division Record.	But the same exercise was not done by the SDC., and his staff. As could be seen from the A-Register / Web land records the lands stands classified as GP and no assignment particulars appeared. The same was not observed and simply passed the resumption orders which seems that negligence on the part of the SDC., and his staff members.

(Contd..p-3)

3)	It is bounded duty of the Tahsildar to submit the information after field verification and verification of records i.e., assignment register/ sub division record/ 1B / Adangal / Web land / A- Register.	The Tahsildar Devipatnam, has failed to verify the said records and simply reported in favour of the persons who possessed fake pattas are assignees on simply relying on the report made by the VRO, Chinaramanayyapeta without verifying any records which shows his dereliction and negligence in performing of Government duties and caused misappropriation of Government funds which attracts penal action.
4)	According Sec.30 of LARR Act of 2013, there is a specific guidelines issued that the land compensation to the D-Pattadars shall be paid on par with pattadars.	Had the SDC., LMC-1, gone through or examined said provision he would not have resumed the lands and go for land acquisition provision by publication of PN., and acquire the said land as per the LA RR Act. The SDC., has failed to follow the LA RR guidelines.
5)	It is the duty of Special Collector (LA), while the time of according financial concurrence whether the proposal submitted by the SDC is in accordance with the provisions of the LA rules and assignment rules.	The Special collector (LA) has failed to observe the same and simply accorded financial concurrence without observing of provisions under LARR Act. Had the Special Collector (LA) has examined the proposal submitted by the SDC, he could have not accorded financial concurrence and to avoid misappropriation of Government funds from the Government exchequer.

Finding No: 3

It is bounded duty of the Tahsildar Devipatnam, and SDC (LA), PIP, LMC Unit -1, Rajahmundry to inspect the lands which fall under Polavaram Irrigation Project before passing resumption order. Moreover, the Tahsildar Devipatnam has to verify the report submitted by the subordinate officers with reference to revenue records i.e., Assignment register, No. 3 Adangal, Fair Adangal, 8A Register and Webland Adangal and then only he has to certify that the assignees are genuine, but he simply submitted a report to the SDC(LA), PIP, LMC Unit - 1 in 12 columns format without following the prescribed procedure which comes under violation of performing of legitimate duties.

Finding No: 4

It is also observed that the SDC (LA), PP, LMC Unit -1, RJY who wish to resume the lands covered under Polavaram Irrigation Project area should have inspected with reference to Revenue records and also conduct a Grama sabha and explain the beneficiaries for reasons of resumption and also inform them to receive the ex-gratia shall be sanctioned under provisions of the LARR act. Neither the Tahsildar nor the SDC (LA) and his staff have followed the prescribed procedure laid down' under BSO 15 and other guidelines issued by the Government. No procedure as explained above was conducted by SDC, LMC - Unit -l and passed benefits to fake beneficiaries. Since the Resumption orders was passed without giving scope for Grama Sabha enquiry and was passed before the retirement of SDC, LMC- Unit-1, h is hereby informed that there has been a procedural lapse, giving scope to mischief of public exchequer, which cannot be ruled out.

Finding No: 5

After observing the above facts, it is construed that the lands in Survey Number 106 etc., measuring to an extent of Ac.29.94Cts., stands classified as Government assessed waste and it is under possession and enjoyment of the ancestors of the petitioners as per their deposition. It is also proved that the land compensation to whom have been paid are fake patta holders and no pattas have been given to them in the land under reference. The Tahsildar Devipatnam, has confirmed in his deposition that the persons who were received land compensation through resumption orders passed by the SDC, LMC-1, are fake patta holders and the signatures on the pattas have been compared with the signatures of previous Tahsildars worked during the year 1988, 2005 and 2006 and the same were not tallied.

In this instance, the Tahsildar has produced two contradicting reports- One report confirming the enjoyment of the members on the land on the other hand it is found out that the lands were already submerged in 2021 and hence it was impossible to have visited the ground to establish possession.

(P.T.O)

The Tahsildar has deposed that the VRO has failed to mention the real facts, but it shows mere shifting the responsibility on others in order to escape from liability. It is clearly proved that the Tahsildar has colluded with middlemen and has obtained undue benefits by ignoring the fake - D Pattas and confirming the fake D-pattas to SDC, LMC Unit -I by submitting a false report. Hence right from Village Revenue Officer till Tahsildar have colluded with the middlemen to create fake D Pattas to receive undue compensation.

The Tahsildar has deposed that there was an oversight in confirming the genuine beneficiaries- which upon finding the facts proves to be completely baseless. The Mandal revenue officer is endowed with the responsibility of safeguarding the interests of the public with their rights over the lands. In this case, it is proved beyond doubt, there is a significant collusion by the Tahsildar and the revenue staff with the middlemen (Non - Tribals) and sheer negligence in safeguarding the interest of the tribals and public exchequer.

Finding No: 6

During Inquiry, it is observed that if the Tahsildar Devipatnam, SDC (LA) PIP, LMC Unit -1 and Special Collector (LA) and their staff should have conducted verification as per the procedure they would have prevented for resumption of said assigned lands. But all the facts revealed that the entire instant was happened with the collusion of Revenue officials i.e., Tahsidar Devipatnam and revenue staff, SDC(LA) LMC Unit -1, and the staff and staff of the O/o Special Collector and they are liable for disciplinary action.

It is also submitted that the amounts Rs.2,24,55,000/- was made wrong payment to the ineligible persons shall be recoverable under RR Act from the fake assignees through the Revenue Department by invoking RR Act provisions. If the amount is not possible to recover the fake assignees they shall be recovered from the officers who are held responsible for payment of ex-gratia to the ineligible fake assignees.

Upon issuance of Show cause notice, the. Special Collector, Land Acquisition has failed to depose the facts related to this case and has submitted that the compensation was paid to the beneficiaries without even verifying the genuineness of the D-Patta and the Webland, Revenue Records, thereby deviating from the departmental norms, rules and procedures.

After careful examination of the above facts and Civil Conduct rules it is submitted that under Rule 3 of A.P Civil Services, (conduct) rules states that "Every Government shall maintain devoting to duty and do nothing which is unbecoming of a Government servant and maintain high ethical standards and honesty". The Inquiry officer opined that in order to restrict these kinds of complaints and ensure to provide fair administration to public from the Revenue department, there is a dire necessity to initiate departmental disciplinary action.

Hence, the charge.

G.SAI PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE-III

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGE FRAMED AGAINST SRI E.MURALI, FORMERLY SPECIAI COLLECTOR, POLAVARAM IRRIGATION PROJECT, RAJAMAHENDRAVARAM (NOW UNDER SUSPENSION) ARE PROPOSED TO BE SUSTAINED.

---

1. Complaint petition filed by Sri Mulla Marrireddy and others, dt.-nil-.
2. Rc.No.111/2022/(E), dt.09.05.2022 of the Project Administrator & Ex-officio Joint Collector, PIP., Rajamahendravaram received on 14.05.2022.
3. Further report submitted in Rc.No.111/2022/(E), dt.20.05.2022 by the Project Administrator & Ex-officio Joint Collector, PIP., Rajamahendravaram.

G.SAI PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE-IV

LIST OF WITNESSES BY WHOM THE ARTICLES OF CHARGES FRAMED AGAINST SRI E.MURALI, FORMERLY SPECIAI COLLECTOR, POLAVARAM IRRIGATION PROJECT, RAJAMAHENDRAVARAM (NOW UNDER SUSPENSION) ARE PROPOSED TO BE SUSTAINED

--NIL--

G.SAI PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED::BY ORDER//

SECTION OFFICER